

OFFICES OF

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BRUCKER**  
ATTORNEY AT LAW

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EMERYVILLE, CALIFORNIA 94608

TEL: 510 654 6200  
FAX: 510 654 6166

**VIA FAX (571) 273-6500**

March 21, 2006

Attention: Refund Branch

**Re: Refund of 2202 Extra Claims Fee**  
**Patent Application No. 09/927,104**  
**Docket: WCTI2001**  
**Applicant: F. O'Meany**

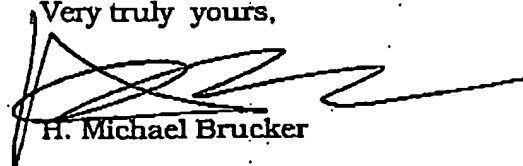
To Refund Section:

This is a request for a refund of the Code 2202 extra claims fee of \$125.00 paid in connection with the above-referenced patent application. When the application was filed, we had 26 claims and we paid for the 6 extra claims. We now have 27 claims in the application, so we owe \$25 for one claim. When the application was filed, we had 6 independent claims and we paid for the 3 extra independent claims. We now owe \$100 for one additional independent claim. Thus, the total amount owed is \$125, not \$250 as demanded.

I am enclosing copies of the Notice Requiring Excess Claims Fees, our original New Application Transmittal showing our fee calculation, and our Credit Card Form authorizing \$250 be charged in order to comply with the Notice Requiring Excess Claims Fees. Please refund \$125.

If you require further documents, please let me know.

Very truly yours,



H. Michael Brucker

HMB:ceh  
Enclosures

**Best Available Copy**


 UNITED STATES PATENT AND TRADEMARK OFFICE  
 PATENT MAINTENANCE  
 DIVISION

2006 APR 18 PM 1:12

US PATENT & TRADEMARK  
OFFICE
 Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

## NOTICE REQUIRING EXCESS CLAIMS FEES

The excess claim(s) filed on 020306 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of **\$250.00**, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid **ABANDONMENT**. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- ☐ 1. The funds in Deposit Account No. \_\_\_\_\_ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 2. The Credit Card payment to cover the entire fee due to Account \_\_\_\_\_ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☒ 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- ☐ 4. The fee submitted in this application is insufficient. A balance of \$ \_\_\_\_\_ is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- ☐ 5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

no250

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

2100 (571) 272 - 3622  
 Technical Support Staff (TSS)

Note to TSS: Please do NOT use this notice if the application is under a final rejection.

## 6. Fee Calculation (37 C.F.R. Section 1.16)

## Regular Application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$710.00
Total Claims (37 CFR 1.16(c))	26	- 20 =	6 x	\$18.00	\$108.00
Independent Claims (37 CFR 1.16(b))	6	- 3 =	3 x	\$80.00	\$240.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$270.00	\$0.00
Filing Fee Calculation					\$1,058.00

## 7. Small Entity Statement(s)

Statement that this is a filing by a small entity under 37 C.F.R. Sections 1.9 and 1.27 is made now.

Filing Fee Calculation (50% of above) \$529.00

## 8. Fee Payment Being Made at This Time

Enclosed

Filing Fee \$529.00

Total Fees Enclosed \$529.00

## 9. Method of Payment of Fees

Credit Card Payment Form in the amount of \$529.00 is attached.

(New Application Transmittal—page 3 of 4)



PTO/SB17 (01-08)  
Approved for use through 07/31/2008. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2006

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 250

### Complete if Known

Application Number 09/927,104  
Filing Date 08/10/2001  
First Named Inventor Francisco O'Meany  
Examiner Name Eric Chang  
Art Unit 2116  
Attorney Docket No. WCT12001

### METHOD OF PAYMENT (check all that apply)

- ☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☐ Deposit Account Deposit Account Number: 02-4375 Deposit Account Name: \_\_\_\_\_  
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
30 - 20 or HP = 10 x 25 = 250		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP = x =		
HP = highest number of independent claims paid for, if greater than 3.		

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x = Fee Paid (\$)

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

#### SUBMITTED BY

Signature [Signature] Registration No. 19,737 Telephone 510-654-6200  
Name (Print/Type) H. Michael Brucker Date 02/21/2006 03/13/06

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/16/2006 SDENB0B1 00000001 09927104

01 FC:2201  
02 FC:2202

100.00 OP  
25.00 OP

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03/22/2006 CNEGR1 00000003 09927104 250.00 OP  
01 FC:2202  
Adjustment date: 05/16/2006 SDENB0B1  
03/22/2006 CNEGR1 00000009 09927104 -250.00 OP  
01 FC:2202